

**IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF TENNESSEE AT KNOXVILLE**

ROGER HAWKINS and
CHRISTINE HAWKINS,

Plaintiffs,

v.

Case No. 3:22-cv-51
JURY DEMANDED

MILAN EXPRESS, INC., and
NECHKO ALEKSANDROV,

Defendants.

NOTICE OF REMOVAL

COME NOW Defendants Milan Express, Inc. and Nechko Aleksandrov (collectively, the “Defendants”), by and through their counsel, and file this Notice of Removal based upon the following:

1. On December 2, 2021, the Plaintiffs commenced a civil action in the Circuit Court for Cocke County styled *Roger Hawkins and Christine Hawkins v. Milan Express, Inc. and Nechko Aleksandrov*, Cocke County Circuit Court No. 36,249-IV. A copy of Plaintiff’s Complaint is attached hereto as **Exhibit A**.

2. On or about January 7, 2022, Plaintiffs effected service of process on Defendant Nechko Aleksandrov by mailing the Summons and Complaint to him through the Tennessee Secretary of State.

3. On or about January 10, 2022, Plaintiffs effected service of process on Defendant Milan Express, Inc. by serving its registered agent for service of process with a copy of the Summons and Complaint.

4. Therefore, it has been less than thirty (30) days since Defendant Milan Express, Inc. was served with the Summons and Complaint. *See Brierly v. Alusuisse Flexible Packaging, Inc.*, 184 F.3d 527, 533 (6th Cir. 1999) (construing 28 U.S.C. § 1446(b) to permit “a later-served defendant [] 30 days from the date of service to remove a case to federal district court.”)

5. Defendant Nechko Aleksandrov consents to and joins in the removal of this action.

6. As alleged in the Complaint,¹ Plaintiffs Roger Hawkins and Christine Hawkins are married and are adult resident citizens of the state of Tennessee. Exh. A at ¶ 1.

7. As alleged in the Complaint, Defendant Milan Express, Inc. is a foreign corporation formed under the laws of Illinois. Exh. A at ¶ 3. Accordingly, Defendant Milan Express, Inc. is a citizen of the state of Illinois for purposes of diversity of citizenship jurisdiction. 28 U.S.C. § 1332(c)(1).

8. As alleged in the Complaint, Defendant Nechko Aleksandrov is an adult citizen of the state of Illinois and, therefore, is a citizen of the state of Illinois for purposes of diversity of citizenship jurisdiction. Exh. A at ¶ 5.

9. Accordingly, based on the foregoing, there is complete diversity of citizenship as between Plaintiffs and all Defendants.

10. Based on the allegations contained in the Complaint, the amount in controversy exceeds the sum of \$75,000 exclusive of interest and costs. Specifically, Plaintiffs pray for an

¹ Defendants Milan Express, Inc. and Nechko Aleksandrov restate the referenced allegations in the Complaint without prejudice to their rights to Answer or otherwise respond to the Complaint or any of the allegations or claims for relief set forth in the Complaint.

award of \$5,000,000 for alleged damages as to Plaintiff Roger Hawkins and \$1,000,000 for alleged damages as to Plaintiff Christine Hawkins. Exh. A at Prayer for Relief, ¶ G.

11. Based on all the foregoing, the Complaint is removable pursuant to 28 U.S.C. § 1441.

12. Venue is proper in this Court pursuant to 28 U.S.C. § 123(a)(2) because it is the “district and division embracing the place where such action is pending.” 28 U.S.C. § 1441(a).

13. Pursuant to 28 U.S.C. § 1446(d), a copy of this Notice of Removal is being served upon counsel for Plaintiff in the manner set forth in the Certificate of Service, and a copy is being filed with the Clerk of the Circuit Court for Cocke County, Tennessee.

WHEREFORE, Defendants Milan Express, Inc. and Nechko Aleksandrov respectfully remove this action, now pending in the Circuit Court for Cocke County, Tennessee to the United States District Court for the Eastern District of Tennessee at Knoxville pursuant to 28 U.S.C. § 1446.

Respectfully submitted,

/s/ Andrew Gardella

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served on the foregoing counsel on this the 9th day of February, 2022 via electronic mail and via First Class U.S. Mail, postage prepaid:

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/s/ Andrew Gardella _____